

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
IN NASHVILLE

TAS RIGHTS MANAGEMENT, LLC,

Plaintiff

v.

VARIOUS JOHN DOES,
VARIOUS JANE DOES, and
VARIOUS XYZ CORPORATIONS,

Defendants

Civil Action No. 3:11-0477

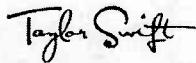
Judge Nixon

Magistrate Judge Brown

FILED UNDER SEAL

**PRELIMINARY INJUNCTION
AND ORDER OF SEIZURE OF COUNTERFEIT GOODS**

This matter comes before the Court upon Plaintiff TAS Rights Management, LLC's ("Plaintiff") Verified Complaint, *Ex Parte* Motion for Temporary Restraining Order, Motion for Preliminary Injunction and Application for Order of Seizure of Counterfeit Goods, and Attorney Certification in Support of *Ex Parte* Motion for Temporary Restraining Order, Motion for Preliminary Injunction and Application for Order of Seizure of Counterfeit Goods. A hearing was held before this Court on May 25, 2011. After due consideration thereof, the Court makes the following findings of fact and conclusions of law and grants Plaintiff's Motion for Preliminary Injunction and Application for Order of Seizure of Counterfeit Goods:

1. Plaintiff maintains exclusive control of the trademark "Taylor Swift," as used in an unstylized, literal form—"Taylor Swift", and in the stylized, "logo" form —  ("Taylor Swift Trademarks").

2. The Taylor Swift Trademarks are registered with the United States Patent and Trademark Office, are distinctive, and are highly recognized by the public.

3. Plaintiff also controls the use of the trademark "Speak Now." Plaintiff's trademark "Speak Now" and the Taylor Swift Trademarks are collectively referred to in this Order as "Plaintiff's Trademarks." A summary of the Taylor Swift Trademarks, and their registrations with the United States Patent and Trademark Office, is set forth in Exhibit A hereto.

4. Defendants are not licensed or otherwise authorized by Plaintiff to use Plaintiff's Trademarks.

5. It appears to this Court that Defendants will be present on the premises or within a twenty-mile radius of the venues where Ms. Taylor Swift will perform during her concert tour in the United States in 2011 ("Speak Now Tour"), including each of the venues identified in Exhibit B hereto ("Venues"), for the purpose of manufacturing, distributing, offering for sale, and/or selling merchandise marked with imitations or counterfeits of Plaintiff's Trademarks, or otherwise copying authentic and authorized merchandise bearing Plaintiff's Trademarks and/or a photograph, image or likeness of Ms. Swift ("Counterfeit Goods").

6. The Counterfeit Goods will include goods bearing "counterfeit marks" within the meaning of the Trademark Counterfeiting Act of 1984, 15 U.S.C. § 1116(d).

7. Defendants' distribution, offering for sale, and sale of the Counterfeit Goods would further cause confusion or mistake or be likely to deceive and would constitute trademark infringement under 15 U.S.C. § 1114(1) and false designation of origin under 15 U.S.C. § 1125(a).

8. Under 15 U.S.C. § 1116(d), this Court has the power to grant an *ex parte* seizure order for goods bearing counterfeits of federally registered trademarks.

9. Under 15 U.S.C. § 1116(a), this Court has the power to enjoin violations of 15 U.S.C. §§ 1114(1) and 1125(a).

10. This Court has the power under Rule 65 of the Federal Rules of Civil Procedure, and under the All Writs Act, 28 U.S.C. § 1651, to grant an *ex parte* seizure order for Counterfeit Goods that are infringing but are not “counterfeit” within the meaning of 15 U.S.C. § 1116(d).

11. No order other than an *ex parte* seizure order would adequately achieve the objectives of the Trademark (Lanham) Act, 15 U.S.C. §§ 1114, 1116 and 1125(a).

12. Plaintiff is likely to succeed in showing that, unless enjoined, Defendants will use counterfeit or infringing marks in connection with the sale, offering for sale and/or distribution of the Counterfeit Goods.

13. Notice of this Motion need not be given to Defendants prior to *ex parte* hearing because: (a) the identities and whereabouts of Defendants are currently unknown; (b) many Defendants have no business identity or stable place of business before or after concert performances and cannot be identified; and (c) Defendants who can be located and identified, if notified, likely will cause the immediate concealment or destruction of the Counterfeit Goods or removal of Counterfeit Goods outside the access of this Court.

14. Plaintiff will suffer immediate and irreparable injury and will have no adequate remedy at law if this Court declines to grant an *ex parte* restraining and seizure order.

15. The Counterfeit Goods and other materials subject to this Order likely will be located on the premises or within a twenty-mile radius of the venues for the concerts during the Speak Now Tour.

16. Should this Court not grant the requested relief, the harm to Plaintiff clearly outweighs any harm that Defendants may suffer if the relief is granted.

17. Plaintiff has not publicized the requested seizure.
18. Plaintiff has given reasonable notice of its Motion and Plaintiff's Verified Complaint to the United States Attorney for this District.
19. Plaintiff has posted security with the Court, in the form of a cash bond in the amount of \$10,000.00, for the payment of such costs and damages as may be incurred or suffered by any party who is found to have been wrongfully restrained, pending the hearing and determination of the continuation of this Order.
20. The file of this case has been sealed as required by 15 U.S.C. § 1116(d)(8).
21. Plaintiff has complied with all statutory requirements for the issuance of an *ex parte* seizure order.

It is accordingly ORDERED and ADJUDGED that:

- 1). Defendants, along with their partners, associates, agents, servants, employees, representatives, and assigns, and all others under their control or in active concert or participation with them, and all other persons and entities having actual knowledge hereof be, and the same hereby are, temporarily ENJOINED and RESTRAINED from:
 - a). manufacturing, distributing, offering to distribute, offering for sale, or selling any Counterfeit Goods;
 - b). representing by any method that the Counterfeit Goods are sponsored, manufactured, sold or licensed by Plaintiff; and
 - c). otherwise taking any action likely to cause confusion, mistake or deception as to the origin of Counterfeit Goods.
- 2). Any federal, state, or local law enforcement officer ("Enforcement Official") may seize and maintain in his/her custody and control any and all Counterfeit Goods, counterfeit

marks, and the means of making them, and records documenting the manufacture, sale or receipt of things relating thereto, in the possession, dominion or control of Defendants, their agents or persons acting in concert or participation with them, including all such Counterfeit Goods and counterfeit marks located in or on any containers, vessels, storage areas or motor vehicles. Enforcement officials in accomplishing any seizure pursuant to this Order shall comply with all applicable laws.

3). Enforcement Officials are authorized to carry out the foregoing on the premises or within a twenty-mile radius of any venue where Ms. Taylor Swift will perform live concerts that are identified on Exhibit B to this Order and that will occur during such time as this Order is in effect, from twenty-four hours before each concert begins and until twenty-four hours following the completion of each concert.

4). All Counterfeit Goods, all means of making the Counterfeit Goods, all records, and any other materials seized hereunder shall be delivered up to the custody of the Court in accordance with 15 USC Section 1116(d)(7). The seized goods shall be kept in identifiable containers and stored at Plaintiff's expense.

5). Simultaneously with the seizure hereunder, or as soon thereafter as is practical under the circumstances, each named Defendant shall be served with a copy of (A) this Order and (B) a Summons and the Verified Complaint in this action.

6). This Order is being issued without notice to protect Plaintiff from irreparable injury to its trademarks and goodwill that may arise if Defendants should dissipate or transfer to any third party any of the goods that are the subject of this Order.

7). Defendants shall cooperate with the Enforcement Official(s) executing seizure hereunder and shall provide items sought to be seized wherever such items are located.

8). Persons who have had goods seized pursuant to this Order are hereby required to provide the persons executing this Order with (A) correct names, (B) residential and business addresses, (C) telephone numbers, (D) their current active military status, and (E) any other identifying information as may be required by the Enforcement Official(s).

9). This Order or copies hereof may be served by any person over the age of 18 years who is not a party to this action.

10). This Order shall remain in full force and effect until such time as the Court conducts a final hearing in this case, unless otherwise expressly ordered in writing by this Court.

11). All persons who become aware of this action and Order are ORDERED not to reveal the existence of this action or Order to any other person, except that persons authorized to enforce this Order may reveal its existence and contents to the extent necessary to carry out their official duties and Defendants may confer with their attorneys concerning this action.

Entered this 29th day of May, 2011, at ____:____.M., at Nashville, Tennessee.



JOHN T. NIXON
SENIOR DISTRICT JUDGE

TAYLOR SWIFT TRADEMARKS

Trademark	USPTO Reg. No.	USPTO Reg. Date	Goods/Services
TAYLOR SWIFT	3,439,211	March 27, 2007	Series of musical sound recordings; Pre-recorded audio cassettes, compact discs, DVDs and video tapes featuring performances by an individual; Mouse pads
TAYLOR SWIFT	3,439,210	March 27, 2007	Clothing, namely, shirts, t-shirts, sweatshirts, jerseys, hats and caps
TAYLOR SWIFT	3,429,635	March 27, 2007	Entertainment services in the nature of the rendition of live musical performances by an individual
TAYLOR SWIFT	3,812,827	May 12, 2009	Digital media, namely, downloadable audio files and downloadable audio and video recordings featuring musical entertainment; Downloadable musical sound recordings; Downloadable video recordings featuring musical entertainment; Musical video recordings; Video recordings featuring musical entertainment
TAYLOR SWIFT	3,812,828	May 12, 2009	Jewelry
TAYLOR SWIFT	3,809,266	May 12, 2009	Printed materials and publications, namely, photographs, posters, stickers, songbooks and sheet music
TAYLOR SWIFT	3,809,267	May 12, 2009	On-line retail store services featuring audio recordings, video recordings, printed publications, printed materials, clothing, collectibles, memorabilia, and a wide variety of products related to a musical artist

Trademark	USPTO Reg. No.	USPTO Reg. Date	Goods/Services
TAYLOR SWIFT	3,812,829	May 12, 2009	Entertainment services consisting of providing a Web site featuring pre-recorded musical performances, news, articles, reviews, photographs, and other information and multi-media materials relating to a performing and recording musical artist; Entertainment services, namely, providing information via a global communications network relating to music and musical entertainment; Entertainment services, namely, conducting contests; Providing non-downloadable digital music via a global communications network; Fan club services
<i>Taylor Swift</i>	3,809,269	May 12, 2009	Audio and video recordings featuring musical entertainment; Digital media, namely, downloadable audio files and downloadable audio and video recordings featuring musical entertainment; Downloadable musical sound recordings; Downloadable video recordings featuring musical entertainment; Musical sound recordings; Musical video recordings; Video recordings featuring musical entertainment
<i>Taylor Swift</i>	3,812,830	May 12, 2009	Jewelry
<i>Taylor Swift</i>	3,809,271	May 12, 2009	Printed materials and publications, namely, photographs, posters, stickers, songbooks and sheet music
<i>Taylor Swift</i>	3,809,274	May 12, 2009	Clothing, namely, bandanas, caps, hats, hooded pullovers, hooded sweat shirts, sweat shirts, pants, and t-shirts

Trademark	USPTO Reg. No.	USPTO Reg. Date	Goods/Services
<i>Taylor Swift</i>	3,809,272	May 12, 2009	On-line retail store services featuring audio recordings, video recordings, printed publications, printed materials, clothing, collectibles, memorabilia, and a wide variety of products related to a musical artist
<i>Taylor Swift</i>	3,812,838	May 12, 2009	Entertainment services in the nature of live musical performances; Entertainment services consisting of providing a Web site featuring pre-recorded musical performances, news, articles, reviews, photographs, and other information and multi-media materials relating to a performing and recording musical artist; entertainment services, namely, providing information via a global communications network relating to music and musical entertainment; Entertainment services, namely, conducting contests; Providing non-downloadable digital music via a global communications network; Fan club services

“SPEAK NOW TOUR”: DATES AND VENUES
(2011)

1).	May 21	Nashville, Tennessee – “Speak Now Help Now” Benefit
2).	May 27	Omaha, Nebraska
3).	May 28	Omaha, Nebraska
4).	May 29	Des Moines, Iowa
5).	June 2	Ft. Lauderdale, Florida
6).	June 3	Ft. Lauderdale, Florida
7).	June 4	Orlando, Florida
8).	June 7	Columbus, Ohio
9).	June 8	Milwaukee, Wisconsin
10).	June 11	Detroit, Michigan
11).	June 14	St. Paul, Minnesota
12).	June 15	St. Paul, Minnesota
13).	June 18	Pittsburgh, Pennsylvania
14).	June 21	Buffalo, New York
15).	June 22	Hartford, Connecticut
16).	June 25	Foxboro, Massachusetts
17).	June 26	Foxboro, Massachusetts
18).	June 30	Greensboro, North Carolina
19).	July 1	Knoxville, Tennessee
20).	July 2	Louisville, Kentucky
21).	July 8	Charlotte, North Carolina
22).	July 9	Atlanta, Georgia
23).	July 10	Atlanta, Georgia
24).	July 19	Newark, New Jersey
25).	July 20	Newark, New Jersey
26).	July 23	Newark, New Jersey
27).	July 24	Newark, New Jersey

28).	July 28	Grand Rapids, Michigan
29).	July 29	Indianapolis, Indiana
30).	July 30	Cleveland, Ohio
31).	August 2	Washington, District of Columbia
32).	August 3	Washington, District of Columbia
33).	August 6	Philadelphia, Pennsylvania
34).	August 9	Chicago, Illinois
35).	August 10	Chicago, Illinois
36).	August 13	St. Louis, Missouri
37).	August 14	St. Louis, Missouri
38).	August 23	Los Angeles, California
39).	August 24	Los Angeles, California
40).	August 27	Los Angeles, California
41).	August 28	Los Angeles, California
42).	September 1	San Jose, California
43).	September 2	San Jose, California
44).	September 3	Sacramento, California
45).	September 6	Portland, Oregon
46).	September 7	Tacoma, Washington
47).	September 16	Nashville, Tennessee
48).	September 17	Nashville, Tennessee
49).	September 20	Bossier City, Louisiana
50).	September 21	Tulsa, Oklahoma
51).	September 24	Kansas City, Missouri
52).	September 27	Denver, Colorado
53).	September 28	Salt Lake City, Utah
54).	October 4	Little Rock, Arkansas
55).	October 5	New Orleans, Louisiana
56).	October 8	Dallas, Texas

57).	October 14	Lubbock, Texas
58).	October 15	Oklahoma City, Oklahoma
59).	October 20	San Diego, California
60).	October 21	Phoenix, Arizona
61).	October 22	Phoenix, Arizona
62).	October 25	San Antonio, Texas
63).	October 26	Austin, Texas
64).	October 29	Lexington, Kentucky
65).	October 30	Memphis, Tennessee
66).	November 5	Houston, Texas
67).	November 11	Jacksonville, Florida
68).	November 12	Tampa, Florida
69).	November 13	Miami, Florida
70).	November 17	Raleigh, North Carolina
71).	November 18	Columbia, South Carolina
72).	November 21	New York, New York
73).	November 22	New York, New York